

# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

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In Reply To:

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June 29, 2005

### EMAIL TRANSMISSION

Information Bulletin No. MT-2005-059

To: State Management Team

From: Director, External Affairs

Subject: Briefing Statement Revisions

**DD: July 29, 2005**

It is time again to review and update the Montana/Dakotas BLM Briefing Statements. These briefs are an invaluable source of public information about highly visible and sometimes controversial programs within our organization. They are used frequently by the Secretary of the Interior, congressional offices, news media, and interest groups affected by BLM programs.

A table of contents showing the date of the most recent review/update is attached, as well as a copy of each briefing statement for your program area. When deciding to add or delete a particular briefing statement, keep in mind that the briefing book is intended to focus only on issues that are highly visible and/or controversial, not on general programs.

Review the briefing papers carefully and completely rather than just appending with the latest information. Briefing statements should be concise; they may be edited for length and clarity. Also, please make sure the correct contact person is listed.

Please send a copy of your update, recommendation for deletion, or "no change" response for each statement pertaining to your area to Ann Boucher (MT912) by July 29, 2005. If you have any questions, please contact Ann at 406-896-5011.

Signed by: Donald S. Smurthwaite, Supv. Public Affairs Specialist

Authenticated by: Ann Boucher, External Affairs

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## **INTERAGENCY OFF-HIGHWAY VEHICLE PROJECT**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

Through site-specific planning, the BLM and Forest Service are inventorying, mapping, analyzing and designating roads and trails as open, seasonally open, or closed. The BLM is involving the public and the Resource Advisory Councils (RACs) in the prioritization and site-specific planning.

The 2003 Record of Decision for the *Off-Highway Vehicle (OHV) Environmental Impact Statement and Proposed Plan Amendment for Montana, North Dakota and South Dakota* directed the BLM to identify and prioritize travel planning areas as high, moderate, or low. The BLM listed 19 planning areas as high priority and 23 areas as moderate. The Butte and Dillon Field Offices are addressing travel management in their ongoing resource management plans (RMPs) and have listed their entire field offices as OHV priority areas. The Missoula Field Office has completed travel management planning. Site-specific travel management planning was to be initiated within two years for high priority areas and within five years for the moderate priority areas.

### **ISSUES:**

The BLM and Forest Service Northern Region administer 26.6 million acres in Montana/Dakotas (BLM 8.4, FS 18.2). OHV traffic has increased 92 percent since 1990; many land use plans were written prior to 1990. When the EIS process began, 16 million acres were open to motorized cross-country travel, which could allow the spread of noxious weeds, create user conflicts, cause erosion, damage cultural sites, and disrupt wildlife and wildlife habitat. The goal of the EIS/plan amendment was to prevent these problems and take the first step towards the long-term goal of designating routes through site-specific planning.

### **MAIN DECISION OR MESSAGE:**

BLM and the FS Northern Region have assumed a huge responsibility for initiating and completing site specific travel management plans. This responsibility will have impacts on workload and funding.

Additional funding will be necessary to complete site-specific planning, signing and maintaining the planning schedules. Any decision to close roads will be made as part of the site-specific plans.

Montana/Dakotas field offices have completed much of the road inventory required to provide a basis for travel management planning.

The BLM, Forest Service and Montana Fish, Wildlife and Parks are working cooperatively on OHV issues. The agencies produced and distributed a new OHV brochure and poster, designed and produced an OHV billboard, and continue to work on OHV ethics outreach programs.

### **BUREAU PERSPECTIVE:**

Where BLM, FS, and State of Montana lands are intermingled, there is an effort to provide OHV users with consistent rules.

### **CONTACT:**

Cindy Staszak, Chief, Branch of Land Resources, (406) 896-5039; or go to <http://www.mt.blm.gov/ea/ohv/index.html>.

## **LEWIS AND CLARK BICENTENNIAL**

### **PURPOSE OF THE BRIEFING DOCUMENT**

The 200th Anniversary of the Lewis and Clark (L&C) Expedition is 2003-2006. Two of the five national signature events planned for our three-state area depend heavily on BLM-administered lands. In 2005, *Explore! The Big Sky* will use BLM lands extensively for the opening ceremonies and other key elements of the 34-day event. In 2006, *Clark on the Yellowstone* will occur entirely at Pompeys Pillar National Monument.

### **ISSUES**

The L&C Bicentennial is a national initiative that spans multiple jurisdictions and involves local communities, tribal governments and private organizations. It is expected to draw enthusiasts from across the country and abroad, placing significant pressure on public lands along the Lewis and Clark National Historic Trail (NHT).

The BLM manages about 330 miles of land along the L&C NHT—more than any other federal land-managing agency. Of the 330 BLM miles, 310 are in Montana and include nationally significant segments such as Pompeys Pillar and the Upper Missouri River Breaks national monuments.

Because of the significant land base managed by Montana BLM, the Bicentennial is an incredible opportunity for our agency to increase public awareness about BLM, natural resources and stewardship. Visitors to public lands along the L&C NHT will leave with an impression of how public lands are managed.

### **MAIN DECISION OR MESSAGE:**

We have completed needed infrastructure projects. With the L&C Bicentennial now being commemorated in our three-state area, we have shifted funding priorities from infrastructure improvements to a more operational emphasis. However, we need adequate resources to ensure safety, security, and protection on-the-ground and are seeking alternative funding opportunities for the entire program through partnerships with other agencies and private organizations.

### **BUREAU PERSPECTIVE**

The Corps of Discovery spent more travel time in Montana than in any other state and recent visitor projection surveys indicate that thousands will retrace its footsteps.

Key partners include Montana L&C Bicentennial Commission; National L&C Bicentennial Commission; the National L&C Trail Heritage Foundation; and our private sector partners in the five national signature events occurring in our three-state area.

Local economies will benefit from increased tourism; however, many challenges are associated with increased visitation to public lands and BLM needs to be prepared. We will continue to work with our partners to address resource needs to provide quality, safe visitor experiences and maintain the integrity of the trail.

### **CONTACT**

Richard Fichtler, Lewis and Clark Project Manager, (406) 329-3884

## **UNDAUNTED STEWARDSHIP**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

BLM's FY2005 budget includes approximately \$1 million to fund projects related to the Lewis and Clark National Historic Trail under the Undaunted Stewardship umbrella.

### **ISSUES:**

The Undaunted Stewardship concept came from Montana's ranching and agricultural community. It was initiated to recognize the stewardship of private landowners that has resulted in many areas along the Lewis and Clark Trail remaining undeveloped and closely resembling what Lewis and Clark saw during their expedition through the state. Another aspect of Undaunted Stewardship is to develop on-the-ground projects with private landowners that will further enhance the natural resources along the trail.

As a member of the executive council, BLM has helped develop agreements that:

- Lay out a methodology to prioritize and select projects for funding;
- Create the means to fund projects through the University when needed;
- Encourage the use of partnerships with other organizations to leverage available funding.

This program, working with private landowners, develops management plans and kiosks. It has also identified projects to showcase outstanding land stewardship practices on 12 Montana ranches in addition to a certification program which recognizes sound grazing practices.

### **MAIN DECISION OR MESSAGE:**

Although Undaunted Stewardship funding comes to Montana BLM, it is essentially pass-through funding. The intent is not to use this money for projects that would traditionally be funded by regular BLM appropriations. The BLM, Montana State University, Montana Stockgrowers, and an advisory board jointly select projects that meet the criteria of the Undaunted Stewardship initiative, which is aimed at showcasing stewardship on private lands.

### **BUREAU PERSPECTIVE:**

The Montana Stockgrowers Association was instrumental in obtaining the Undaunted Stewardship appropriation and serves on the executive council.

Several conservation groups are involved in the process and will offer advice concerning projects along the Missouri and other rivers and streams along the Lewis and Clark Trail.

Montana State University is providing outreach and research and science assistance for project development and implementation. It is also assisting private landowners in developing management strategies.

### **CONTACT:**

Howard Lemm, Deputy State Director for Resources, (406) 896-5117

## **INTERPRETIVE CENTER AT POMPEYS PILLAR NATIONAL MONUMENT**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

Pompeys Pillar National Monument has been designated by the National Lewis & Clark Bicentennial Council as the site of one of only 15 national Lewis & Clark Signature events nationwide. The Pompeys Pillar Signature event will be in July 2006.

Construction has begun on a 5,700-square foot new interpretive center and related infrastructure improvements. Two Congressional appropriations totaling \$4.9 million have made this project possible. The new interpretive center and exhibits will be completed in the summer of 2005.

### **ISSUES:**

Pompeys Pillar is a 121-foot sandstone butte 28 miles northeast of Billings, Montana. The only known physical evidence of the Lewis and Clark expedition still visible along the trail is Captain Clark's signature which he carved into the Pillar on July 25, 1806. He recorded doing so in his journal.

The BLM purchased Pompeys Pillar November 22, 1991, for its historic significance and its interpretive and recreational potential. In 1992, the BLM constructed limited facilities for the protection of resources and the comfort and safety of visitors. Facilities included a small log contact station and a stairway to Clark's signature and the top of the Pillar. The site's designation as a national monument on January 17, 2001, was widely supported.

The Pompeys Pillar Historical Association has worked closely with BLM in the acquisition, operation and development of this site. It has also agreed to raise \$2 million to match an FY1999 \$2 million Congressional appropriation to go toward the construction of a new interpretive center. In FY2002, Congress appropriated an additional \$2.9 million for construction of the center.

### **MAIN DECISION OR MESSAGE:**

We need to remain cognizant of our ability to fund annual operation and maintenance costs. We will need to explore all available means to provide funding to keep the center open, especially since the community has expressed a strong desire to have a year-round facility operation.

### **BUREAU PERSPECTIVE:**

Public interest is high regarding both the site itself and construction of an interpretive center. Feedback from public meetings, briefings for elected officials, and public comment letters has been generally favorable.

### **CONTACT:**

Richard Kodeski, Pompeys Pillar National Monument Manager, (406) 896-5235

January 31, 2005

## **UPPER MISSOURI RIVER BREAKS NATIONAL MONUMENT INTERPRETIVE CENTER**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

The community of Fort Benton has proposed a new visitor center to replace the BLM's existing visitor contact station. Congress has appropriated \$2.5 million for construction of a new facility. However, BLM is concerned about long-term funding for operations, maintenance and staffing.

The BLM is planning a 5,250-square foot center located on a 3.64-acre site adjacent to the Missouri River which will be donated by the City of Fort Benton when the building is complete.

### **ISSUES:**

The need for improved visitor facilities surfaced in the late 1980s. Our current 750-square foot visitor contact station is in Fort Benton's downtown area in a small, converted house that is more than 100 years old.

As the head of the 149-mile Upper Missouri National Wild and Scenic River and the Upper Missouri River Breaks National Monument, Fort Benton is experiencing increased tourism that is being fed by the approaching Lewis and Clark Bicentennial. Tourism provides an economic boost to the local economy, but there is also recognition of infrastructure needs such as an improved visitor center.

### **MAIN DECISION OR MESSAGE:**

The BLM has prepared an environmental assessment that analyzes development of the visitor center. The EA has been reviewed by the public and after revision, finalized.

Split Rock Studios has completed the interpretive prospectus. Meetings were held in Lewistown and Fort Benton in late June 2003 concerning interpretive themes. Explus and Mainstreet Design are designing the interpretive displays.

Kadmas, Lee, and Jackson and CTA (A&E firms) have completed the building design. The project should be out for bid in March 2005.

### **BUREAU PERSPECTIVE:**

Local public interest is high. The concept of a new visitor center has support from both county and city officials. However, these local partners have questioned the amount of local support, such as in-kind services, that will be needed to augment BLM's limited capabilities to fund operation and maintenance costs.

### **CONTACT:**

Gary E Slagel, Upper Missouri River Breaks National Monument Manager, (406) 538-7461

January 31, 2005

January 26, 2005

## **SHEPHERD AH-NEI OHV CLOSURE AND TRAVEL MANAGEMENT PLANNING**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

The BLM initiated travel management planning for the Shepherd Ah-Nei Recreation Area during the summer of 2004 with an inventory of all roads and trails. This information was presented to the public through numerous scoping meetings, and public comments were considered during development of the environmental assessment (EA). A preliminary EA with five alternatives has been provided to the public for comment. The comment period runs through February 22, 2005. The comments will be reviewed, consolidated and incorporated (where appropriate), the EA finalized, and a decision issued.

### **ISSUES:**

The BLM's Shepherd Ah-Nei Recreation Area near Billings is a very popular destination for a variety of recreationists, including off-highway vehicle riders. An adjacent private landowner filed suit in 2002 claiming that current use was causing resource damage, noise, increased fire danger, and impacts to wildlife.

The OHV portion of Shepherd Ah-Nei is comprised of 1,115 acres, 640 of which were acquired in a land exchange in 1994. In April 2004, the judge in the case ordered the 640 acres closed to OHV use because the BLM had failed to designate trails as open, limited, or closed when the land was acquired. Because no boundary or fence exists between the 640 acres and the rest of the OHV area, the BLM closed the entire area to OHV use to ensure compliance with the judge's order.

### **MAIN DECISION OR MESSAGE:**

According to the 2003 Montana/Dakotas OHV EIS and Plan Amendment, each field office was to select high priority areas for travel management planning. The Billings Field Office selected four high priority areas, one of which was Shepherd Ah-Nei. The field office had planned to work on the four travel management plans simultaneously, but because of the court order, it has made Shepherd Ah-Nei its first priority.

### **BUREAU PERSPECTIVE:**

The BLM wants to provide OHV opportunities and is committed to getting the area re-opened as soon as possible while mitigating the resource concerns.

### **CONTACT:**

Sandy Brooks, Billings Field Manager, (406) 896-5262

## **FIREARMS TARGET SHOOTING CLOSURE**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

The Bureau of Land Management has decided to make permanent its emergency target shooting closures on three recreation areas north of Billings. The three areas are the 21-Mile, Shepherd Ah Nei, and Acton Recreation Areas.

### **ISSUES:**

In late 2002, Billings Field Manager Sandy Brooks placed an emergency firearms target shooting closure on the three areas. At that time, the areas were used for recreational hiking, horseback riding, mountain biking, off-highway vehicle use, wildlife viewing and hunting, and random target shooting. While hikers, horseback riders, and other users can plan their activities around hunting seasons, it's impossible for them to know when and where target shooters are also using the area. There have been incidents in which recreationists or adjacent landowners were endangered or injured by target shooting.

### **MAIN DECISION OR MESSAGE:**

The BLM, with the assistance of the Eastern Montana Resource Advisory Council, developed alternatives and analyzed the potential environmental impacts associated with the proposed firearms target shooting closure. The environmental assessment (EA) was released December 17, 2004. The decision accompanying the EA restricts target shooting year-round in all three areas. Hunting will be allowed during seasons established by the Montana Department of Fish, Wildlife and Parks. The closure does not include the area commonly used for target shooting known as the 17-Mile area north of Billings.

### **BUREAU PERSPECTIVE:**

In order to provide for public safety, it's necessary to close the three areas to firearms target shooting. There was little to no controversy surrounding the temporary closure and the Billings Field Office has received no appeals of the decision to make the closure permanent.

### **CONTACT:**

Eddie Bateson, Supervisory Natural Resource Specialist, (406) 896-5013

## **BUTTE RESOURCE MANAGEMENT PLAN (RMP) REVISION**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

The Butte Field Office will be revising the Headwaters Resource Management Plan (RMP) over the next three years. Because the new RMP will apply only to the lands in the Butte Field Office area (instead of being split between the Butte and Lewistown field offices as the Headwaters RMP is), the new document will be called the Butte RMP. Land under the jurisdiction of the Lewistown Field Office will continue to be managed under the Headwaters RMP.

### **ISSUES:**

The issues and management concerns are based on the Preparation Plan and public scoping results. Preparation of the RMP will afford many opportunities for collaboration with local, state, federal and tribal governments and land management agencies, public interest groups, and public land users. As a result, issues and concerns may need modification during this process.

Issues identified are: vegetation management, special status species, water quality/quantity/aquatic species, travel management and access, special management area designations (wild and scenic rivers, wilderness study areas, areas of critical environmental concern), commercial uses (including oil and gas), and land ownership adjustments. Other management concerns identified for the RMP revision include: air quality, abandoned mine lands, soil resources, cultural and paleontological resources, visual resource management, and social/economic concerns.

### **MAIN DECISION OR MESSAGE:**

In December 2002 the Montana State Office approved a Preparation Plan; in August 2003 a contractor (Tetra Tech) was hired to assist in the preparation of the Butte RMP. Public scoping began December 19, 2003, with the publication of the Notice of Intent, and ended February 17, 2004. A scoping report has been completed and will be available on the internet. The field office is currently developing the Analysis of the Management Situation and working on travel planning. Five public travel plan meetings were held in November-December 2004. The proposed action and alternatives will be developed in FY 2005, with a draft environmental impact statement being released in FY 2006.

The State of Montana, eight counties, and four Native American tribes were invited to be cooperating agencies in this process, but no official agreements were signed. Although agencies and tribes want to stay informed during the RMP process, none wish to be a formal cooperating agency, mostly due to budget and time constraints. The Butte Field Office will work closely with the counties, tribes, public, Forest Service, U.S. Fish and Wildlife Service, EPA, and the Western Montana Resource Advisory Council throughout the RMP process. A coordination meeting is scheduled for February 15, 2005, with various federal, tribal, state, and local agencies to update them on the RMP process, identify any potential conflicts with their land use plans, and to determine any further interest from agencies to be involved with the RMP process.

### **BUREAU PERSPECTIVE:**

Public interest is expected to be high because the RMP will set the direction for how the field office will be managed over the next 10-15 years. There is growing concern (based on past and current projects) over the management of roads and trails, wildlife and vegetation, fuels, and special area designations.

### **CONTACT:**

Richard Hotaling, Butte Field Manager, (406) 533-7629

## **DILLON RESOURCE MANAGEMENT PLAN**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

The Dillon Field Office in southwestern Montana will release the proposed resource management plan (RMP)/final environmental impact statement (EIS) in April 2005 after more than three years of intensive effort and collaboration with the public. The plan identifies land use allocations and provides guidance for about 902,000 surface acres and 1.3 million acres of federal mineral estate. Once approved, this plan will replace the management framework plan (MFP) approved in 1979.

### **ISSUES:**

Statutory, regulatory, policy and socioeconomic changes have occurred since the completion of the Dillon MFP in 1979. This was Montana's top planning priority, and funding became available in 2001 to begin the RMP process. Early on, Beaverhead County joined the effort as a cooperating agency; Madison County committed to the process late in 2002.

Issues addressed in the new RMP are related to threatened, endangered and sensitive species; changes in intensity of uses on public lands; vegetation management and fuels reduction; travel management; special management designations; and the general increasing demand for public lands and resources in the planning area.

Over 1,600 comments were received from the public and other agencies on the draft RMP/EIS released in April 2004. BLM used those comments, along with internal review, to determine what adjustments and clarifications were warranted in preparing the proposed RMP/Final EIS. Issues receiving the most attention as a result of public review were travel management and route designations; areas of critical environmental concern (ACECs); sagebrush habitat and greater sage-grouse management; westslope cutthroat trout management; oil and gas leasing and development; and wildlife corridors and grizzly bears.

### **MAIN DECISION OR MESSAGE:**

A proposed RMP/final EIS will be released in April 2005, followed by a 30-day protest period and the governor's consistency review. A record of decision and approved plan is scheduled for release in September 2005, pending resolution of any protests. Once approved, this plan will replace the management framework plan (MFP) approved in 1979.

### **BUREAU PERSPECTIVE:**

The Dillon RMP was developed with unprecedented public involvement measures. Initially, the Montana Consensus Council (MCC) assisted BLM in developing public participation strategies based on suggestions made by the public. Five scoping meetings, three information fairs, nine alternative development workshops, five informational open houses (following release of the draft RMP/EIS), two oral comment meetings, and numerous presentations, discussions, and briefings with public and agency interests have occurred since the planning process began.

Beaverhead and Madison counties served as formal cooperating agencies in the planning process, guided by a memorandum of understanding. The Western Montana RAC has been extensively involved in development and review of the RMP. Three subgroups of the Western Montana RAC provided recommendations on ACEC nominations, Wild and Scenic Rivers, and travel management, and the RAC provided suggestions to BLM during alternative development and review of the draft RMP/EIS. This involvement has ensured consideration of the diverse constituencies interested in the management of public lands.

Coordination has continued throughout the process with federal and state agencies, including, but not limited to, the Agricultural Research Service, Bureau of Reclamation, Forest Service, Montana Fish, Wildlife and Parks, and the Montana Department of Natural Resources and Conservation. Tribal consultation has been ongoing with the Confederated Kootenai and Salish Tribes of the Flathead Reservation and the Shoshone-Bannock at Fort Hall, Idaho.

Other interests include several national and state-level conservation and environmental organizations; state and local officials, especially at the county level; the local ranching and agricultural community; recreationists, especially hunters; wilderness and wildlife advocates; users in the oil and gas, utility, mining and timber industries; and other state and federal management agencies.

### **CONTACT:**

Renee Johnson, Land Use Specialist, (406) 683-8016

**JUDITH-VALLEY-PHILLIPS OIL AND GAS SUPPLEMENTAL RESOURCE MANAGEMENT PLAN AND ENVIRONMENTAL IMPACT STATEMENT (RMP/EIS)**

**PURPOSE OF THE BRIEFING DOCUMENT:**

In response to a protest received on the final Judith-Valley-Phillips RMP/EIS, the BLM is preparing an Oil and Gas Supplemental RMP/EIS to evaluate the need to avoid leasing in areas with valuable wildlife habitat. The supplemental RMP/EIS, along with the final RMP/EIS, will be the basis for a record of decision (ROD) to lease with appropriate stipulations to protect resources, or not to lease because of sensitive resources which cannot be protected with stipulations. The BLM is currently preparing a biological assessment for threatened and endangered species and expects to issue the final supplemental RMP/EIS in 2005.

**ISSUES:**

The BLM is responsible for oil and gas leasing on BLM-administered subsurface in north central Montana in Fergus, Petroleum, Judith Basin, Phillips, and Valley counties and the southern portion of Chouteau County. The BLM expects continued interest in oil and gas exploration and development.

In September 1988, the National Wildlife Federation (NWF) protested the BLM's issuance of oil and gas leases in Montana claiming an inadequate analysis under the National Environmental Policy Act and non-compliance with the Endangered Species Act. The BLM's November 1988 decision on this protest was that BLM would suspend lease issuance on tracts with special wildlife stipulations until a new RMP/EIS was completed meeting the bureau's supplemental program guidance.

In September 1988, the BLM issued a Notice of Intent to prepare an RMP/EIS for public lands in north central Montana. One of the issues identified for the RMP was oil and gas leasing. The draft RMP/EIS was released for public comment in July 1991. The NWF raised the concern that the November 1988 decision was not mentioned, much less identified as a practical alternative. The BLM's response to this comment was that areas nominated for lease which would require special stipulations to protect wildlife would not be offered for lease, but this was an interim policy until the RMP/EIS was completed and not an alternative.

In December 1992 the BLM released the final RMP/EIS, which evaluated the types of stipulations needed on oil and gas leases to protect other resources, for a 30-day protest period. In January 1993, the NWF protested the final RMP/EIS because the document neither mentioned the 1988 decision nor identified an alternative of carrying the temporary arrangement forward to avoid leasing valuable wildlife habitat. After careful review of this issue, the state director decided that the protest warranted a supplement to the final RMP/EIS addressing an alternative for oil and gas leasing that would avoid leasing valuable wildlife habitat.

**MAIN DECISION OR MESSAGE:**

The supplemental RMP/EIS addresses two additional alternatives for oil and gas leasing on 3.1 million acres in north central Montana. One alternative would avoid oil and gas leasing in areas with valuable wildlife habitat. The other alternative would provide for oil and gas leasing while protecting other resource values through stipulations or closing areas where resource values are not compatible with exploration and development.

**BUREAU PERSPECTIVE:**

In April 1998, the BLM mailed the draft Oil and Gas Supplemental RMP/EIS to approximately 500 agencies, organizations, and individuals for a 90-day public comment period. The BLM received 10 comment letters.

**CONTACT:**

Jody Miller, Archeologist, (406) 228-3750

## **UPPER MISSOURI RIVER BREAKS NATIONAL MONUMENT RESOURCE MANAGEMENT PLAN**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

The Lewistown Field Office is preparing a resource management plan (RMP) for BLM land in the Upper Missouri River Breaks National Monument. The RMP will guide resource decisions on approximately 375,000 acres of BLM land.

The schedule:

- 2002 -- conducted public scoping and began collecting data;
- 2003 -- collected data and developed alternatives;
- 2004 -- developed alternatives and estimated effects;
- 2005 -- estimate effects and release draft RMP/environmental impact statement (EIS);
- 2006 -- respond to comments and release a final RMP/EIS and record of decision.

### **ISSUES:**

On January 17, 2001, the president designated the Upper Missouri River Breaks National Monument with a presidential proclamation. The proclamation recognizes the spectacular array of biological, geological and historical resources found on public lands in this area, and the designation presents the public and BLM with an important opportunity to prepare a management plan to establish guidance, objectives and management actions for these lands and resources.

The proclamation emphasizes that the BLM will remain the managing agency for these public lands. The BLM is responsible for seeking public input and using that information throughout the RMP and EIS planning process.

Scoping was the first stage of the planning process and closely involved the public with identifying issues, providing resource and other information, and developing planning criteria to guide preparation of the RMP. Our scoping process included 11 public meetings in July 2002, and generated 5,700 letters and emails. The scoping process identified these issue categories: access and transportation; health of the land and fire; natural gas exploration and development; and visitor use, services and infrastructure.

In July 2003, the BLM hosted 11 workshops across north-central Montana to gather management ideas from interested members of the public. The alternative development process generated 7,200 letters and emails.

In March 2000, the Montana Wilderness Association (MWA) filed suit in District Court contending that three oil/gas leases issued in 1999 within the monument were issued with an inadequate leasing document (West HiLine Resource Management Plan). In March 2004, the judge ordered the BLM to prepare an EIS for the oil and gas leasing program that covers the three leases as well as a biological assessment of the leasing program. The judge also ordered the BLM to consult with all Native American tribes. As a result of the judge's order, the BLM has decided to delay the RMP for 9-12 months in order to include an analysis of 12 existing oil and gas leases within the monument.

### **MAIN DECISION OR MESSAGE:**

This RMP is a multi-year process that will require an ongoing commitment of agency resources.

### **BUREAU PERSPECTIVE:**

Public interest is high both locally and nationally. About 6,600 people and organizations are on the RMP mailing list. The conservation community and those involved in the tourism industry continue to support the monument designation. Those involved with agriculture along the river or in the uplands fear the monument designation will impact their ability to use their private land and/or their BLM grazing permits within the monument. American Indian tribes are concerned about protecting cultural sites within the monument.

### **CONTACT:**

Gary Slagel, Upper Missouri River Breaks National Monument Manager, (406) 538-7461

## **BADGER-TWO MEDICINE APPLICATIONS FOR PERMIT TO DRILL (APDS)**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

The BLM and Forest Service are reviewing a drilling proposal at the former Fina exploratory drilling site in the Lewis & Clark National Forest. Sidney Longwell now holds the lease on which Fina Oil and Chemical Company first proposed an exploratory well in 1983. The proposed well is located at the northern edge of the Lewis & Clark National Forest in the Hall Creek drainage in an area known as the Badger-Two Medicine.

### **ISSUES:**

The BLM decides whether or not to approve applications for permit to drill (APDs) on federal leases. On National Forest land, however, the Forest Service has primary responsibility for surface-related issues while the BLM has primary responsibility for "down hole" issues.

The APD for the well site was approved in 1991 after the Forest Service conducted several environmental analyses; an environmental assessment (EA) was completed in 1985 and a final environmental impact statement (EIS) was completed in 1990. The National Wildlife Federation and six other groups sued the Forest Service. The drilling approval and lawsuit were suspended while the Forest Service gathered information and analyzed the cultural and religious significance of the area to Native American Tribes. About 90,000 acres of the Badger-Two Medicine was identified as having traditional cultural importance to the Blackfeet Tribe. In January 2002, the Keeper of the Register of National Historic Places determined this site as eligible for listing on the National Register of Historic Places. The drilling proposal is located roughly two miles north of the current district boundary.

### **MAIN DECISION OR MESSAGE:**

The Forest Service is the lead agency for evaluating possible impacts of the proposed drilling on properties that have cultural and religious significance to Native American Tribes, as well as ensuring that any other new information since the 1991 decision is considered. The following steps must be taken:

- A review of new information since the decision was made (for example, traditional cultural district, listing of lynx as threatened species),
- A determination as to whether the new information has a bearing on the 1991 decision to approve the drilling, and
- A determination whether the new information requires a revision, correction, or supplement to the previous analysis.

If a review of the new information indicates there is no need to supplement or revise the current decision, approval of the proposal would remain under the terms and conditions established in the 1991 decision. If there is a need to supplement the analysis, a draft supplemental EIS would be developed for public review. The lease suspension will continue until the operator is given approval to commence with the approved APD.

The Forest Service conducted surveys to determine whether newly identified threatened, endangered or sensitive species or their habitat could be impacted by the proposal. A survey of goshawk territories, potential amphibian habitat, and sensitive plants has been completed. Preliminary review of this data indicates no new projected impacts from the drilling proposal.

The Forest Service is also working closely with the Blackfeet Tribe and other consulting parties to identify possible impacts from the proposal to the Traditional Cultural District. An area of potential impacts from the drilling proposal was tentatively identified and the Forest Service requested review and any additional information from consulting parties. The Blackfeet Tribe provided new information with respect to traditional cultural uses in the Hall Creek area, including additional documentary sources and ethnographic information that warrants further research. The Forest Service has contracted for additional ethnographic review, including continued dialogue with Blackfeet elders and tribal government, to identify whether new information indicates a need to reevaluate potential impacts from the drilling proposal and/or the current boundaries of the Traditional Cultural District.

The Devon Operating Company has a pending APD (a lease formerly held by Chevron) nearby in the Goat Mountain Area that will require a similar review.

### **BUREAU PERSPECTIVE:**

Public interest is very high. National organizations are involved, and decisions occasionally get statewide attention. Demonstrations of opposition were staged in Great Falls and Missoula, Montana, following the 1993 decision to approve the APD. Senator Baucus introduced Senate bill 1616 on February 5, 1998, and Senate bill 984 on May 1, 2003, to

authorize exchange of existing federal oil and gas leases, including those within the Badger-Two Medicine, for federal oil and gas lease sale bidding credits or payments due on existing leases. Neither bill passed.

**CONTACT:**

Don Judice, Great Falls Field Station Supervisor, (406) 791-7789

## **BLACKLEAF PROJECT EIS**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

Work on an environmental impact statement to analyze Startech Energy, Inc.'s (Startech) proposal to drill for natural gas in the Blackleaf area of the Rocky Mountain Front has been halted indefinitely.

A Notice of Intent to commence the preparation of the Blackleaf Project EIS was published in the Federal Register April 15, 2004. Formal public scoping was conducted April 15 through June 1, 2004, and BLM and its contractor were beginning to develop a draft EIS.

### **ISSUES:**

The Blackleaf Study Area is located along the Rocky Mountain Front 75 miles northwest of Great Falls. It contains about 40,327 federal mineral acres (about half of which are leased) and 18,176 state and private mineral acres.

The Blackleaf area provides habitat for a variety of wildlife, including several threatened and endangered species; contains important cultural heritage resources and outstanding scenic qualities; provides a variety of recreational opportunities; is important to the tourist industry; and contains a significant amount of natural gas reserves. Any development proposal in the area is highly controversial locally, regionally and nationally.

The area has three shut-in gas wells, but analysis indicates that substantial reserves remain and there is a high potential for more gas discoveries and production. From 1982 through 1991, total production from four wells in the Blackleaf area was 7 billion cubic feet of natural gas and 33,400 barrels of oil.

Encouraged by the rise in natural gas prices, three companies had staked a total of four well locations. Startech proposed three wells from one location in the Blindhorse Outstanding Natural Area (ONA) about three miles from three shut-in gas wells. The Startech lease predates the ONA designation.

Grizzly Resources proposed four wells from two locations on its lease located on U.S. Forest Service lands adjacent to the Blackleaf Unit. However, the company's applications were returned unapproved because it failed to submit the necessary information for a complete application. Effective February 20, 2004, the Grizzly Resources lease suspension was terminated, and subsequently, the lease was cancelled for non-payment of rental fees.

Rutter and Wilbanks Corp. proposed drilling one well on its lease; however, the company's application was also returned unapproved because it failed to submit the necessary information for a complete application. Effective February 3, 2004, the Rutter and Wilbanks Corp. lease suspension was terminated. The leaseholder elected not to pay the rental to continue the lease, and the lease was cancelled in March 2004.

### **MAIN DECISION OR MESSAGE:**

There are two primary reasons for stopping the work.

- First, due to the controversial nature of drilling on the Rocky Mountain Front, it seemed likely, that regardless of the outcome of the EIS, court challenges would follow.
- Next, by stopping work on the Blackleaf EIS, it will allow us to focus on other planning efforts, particularly the West HiLine, which was scheduled to begin in 5 years. The area covered by the West HiLine has 850 authorized leases, so it is more effective for us to concentrate on it, and better to meet America's energy needs.

### **BUREAU PERSPECTIVE:**

There may be a better resolution of the issue than the EIS process. Stopping work on the EIS will give all parties a chance to step back and look at other alternatives to resolve the issues of energy development in the Blackleaf area. Some of the alternatives could include providing the lessee with credits toward other BLM leases; buying out the lease; exchanging the lease for other public land lease; or completing the EIS in the future. There may be other ideas and alternatives that haven't surfaced yet. We hope to hear them as well. BLM does not have the authority to begin work on buying out or exchanging. That course of action would need to be initiated through the lessee, Startech, and Congress.

**RELATED INFORMATION:** The U.S. Fish and Wildlife Service is currently studying a proposal to expand its conservation program to the Rocky Mountain Front.

**CONTACT:** Lynn Ricci 406 538-1922

## **COAL BED NATURAL GAS DEVELOPMENT**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

The coal bed natural gas (CBNG) industry is beginning to develop this resource in southeastern and south central Montana – primarily in the Powder River Basin.

### **ISSUES:**

In order to analyze conventional oil and gas and full field CBNG development, the BLM and the State of Montana (Department of Environmental Quality and Board of Oil and Gas Conservation) prepared a joint environmental impact statement (EIS) and resource management plan (RMP) amendment. Concurrently, Wyoming BLM developed a similar EIS.

Montana BLM's Record of Decision was issued April 30, 2003. Several lawsuits were filed after release of the Montana and Wyoming RODs. While some litigation is still pending, no court rulings have been issued that would change any decisions made in Montana's EIS.

Both the Montana and Wyoming RODs outlined the use of interagency working groups. Working group meetings and conference calls have been conducted since June 2003. Interagency working groups were established for water, air, aquatics and wildlife.

The Powder River RMP area encompasses about 2,522,950 BLM-administered oil and gas acres in southeastern Montana. The Billings RMP area encompasses about 662,066 BLM-administered oil and gas acres in the south-central portion of Montana. The State of Montana's planning area was statewide with emphasis on the BLM planning areas and three areas in Blaine, Park and Gallatin counties. For analysis purposes, the BLM and the State of Montana predicted that approximately 10,000 to 26,000 coal bed natural gas wells could be drilled in the state over the next 20 years in addition to a number of conventional oil and gas wells.

Since issuance of the Montana ROD, the BLM and the Montana Board of Oil and Gas Conservation have approved four CBNG projects. Three of the projects were for drilling and producing additional wells in the CX Field, which is the only area in Montana that produces CBNG. The CX Field has about 450 wells producing from federal, state and private leases. The fourth project is an exploratory project north of the CX Field and includes 16 wells on federal and private leases.

### **MAIN DECISION OR MESSAGE:**

BLM Montana continues to process drilling applications as they are received, preparing additional, site-specific environmental documentation as needed.

Monitoring and mitigation are vital for ensuring that the decisions made in the EIS/RMP amendment adequately protect the affected environment. Protection measures and best management practices are in place for several resources including air, water and wildlife.

The BLM is actively engaging other agencies in its implementation of the CBNG program. Working group participants include both Montana and Wyoming BLM and Departments of Environmental Quality. The US Geological Survey, Forest Service, National Park Service, the Natural Resources and Conservation Services in Montana, Wyoming and South Dakota, and Native American tribes are also included.

### **BUREAU PERSPECTIVE:**

There is a high level of regional interest in CBNG production with most concerns focused on water-related impacts.

### **CONTACT:**

David Breisch, Mineral Resource Specialist, (406) 233-3645

January 28, 2005

**THE COTEAU PROPERTIES COMPANY  
COAL LEASE BY APPLICATION: WEST MINE AREA**

**PURPOSE OF THE BRIEFING DOCUMENT:**

In January 2002, the Coteau Properties Company filed an application to lease federal coal deposits beneath private surface within the company's 17,051-acre Freedom Mine-West Mine Area. The application includes about 5,571 acres. Coteau estimates that the tract contains 88 million tons of recoverable federal coal reserves intermingled with non-federal coal in Mercer County, North Dakota.

**ISSUES:**

The proposed federal coal is considered suitable for mining according to the *North Dakota Resource Management Plan and Environmental Impact Statement* (April 1988). The draft environmental impact statement (EIS) of April 2004 for the leasing of federal coal within the West Mine Area defined the loss of American Indian stone features as the dominant issue.

**MAIN DECISION OR MESSAGE:**

After receiving comments on the draft EIS and continued consultation with tribal representatives, the BLM is preparing to release the final EIS within the next 90 days. The final EIS will be available for a 30-day comment period after its release.

**BUREAU PERSPECTIVE:**

Tribal representatives have expressed concerns regarding the disturbance of traditional cultural sites in the area of the proposed mine expansion. Non-tribal public interest, excluding local interest, has been minimal.

**CONTACT:**

Alan Ollila, Petroleum Engineer, (701) 227-7735; Barry G. Williams, Archeologist, (701) 227-7707

## **GOLDEN SUNLIGHT MINE AND MONTANA STATE COURT JUDGMENT**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

Golden Sunlight Mine, Inc. (GSM) mines and processes gold-bearing ore using facilities located on public and private lands near Whitehall, Montana. GSM has conducted mining and mineral processing activities under Operating Permit No. 00065 since 1975.

When the BLM and Montana Department of Environmental Quality (DEQ) issued a record of decision in 1998 for expansion of the Golden Sunlight Mine, the EIS analyzed a partial pit backfill alternative but it was dismissed after DEQ concluded, in part, that the alternative was not considered economically feasible. Environmental groups filed suit against DEQ claiming that the partial pit backfill alternative should have been selected as required by the Montana Metal Mine Reclamation Act. A 2002 Montana State court decision required that GSM submit a partial pit backfill plan. GSM submitted a Partial Pit Backfill Plan to the agencies in December 2003. Montana DEQ and BLM have worked with a contractor and GSM to complete a draft supplemental environmental impact statement (SEIS 12/16/2004) to fully evaluate the environmental impacts and mitigation measures associated with partially backfilling the GSM pit.

### **ISSUES:**

The Golden Sunlight Mine is a conventional truck and shovel open-pit mine. Approximately 10 million tons of rocks per year are excavated. Only 2.5 million tons of this total are ore, the remainder being waste rock. Approximately 300 million tons of wastes have been placed in waste rock dumps. The ore is milled using a vat cyanide process. Following processing, the mill stream is piped as slurry to a lined tailings impoundment. An earlier impoundment did experience some leakage in the early 1980s. This was corrected through a series of pumpback wells. This impoundment has been reclaimed.

Because the waste rock at GSM has high potential for “acid rock drainage,” effective reclamation of these wastes is crucial. Extensive monitoring of several slopes reclaimed between 1990-1992 has helped the mine and agencies determine what reclamation practices have been most effective. Surface water management is another critical factor in reclamation success and is an important part of the reclamation plan. Long-term water treatment is an integral part of the mine plan. GSM has posted a total bond of over \$50 million to cover reclamation costs.

### **MAIN DECISION OR MESSAGE:**

BLM and DEQ have prepared a draft SEIS which fully evaluates the impacts of the proposed Partial Pit Backfill Plan. The preferred alternative in the draft SEIS is the underground sump alternative with additional visual mitigation. Mine-impacted waters will be pumped and treated following collection in the underground sump retained from Golden Sunlight's terminated underground operations. This alternative does not require any backfill in the pit and was felt to be the most protective of groundwater resources.

### **BUREAU PERSPECTIVE:**

Public interest in the mine is high. Golden Sunlight employs over 150 people and is an important source of revenue for Jefferson County. An SEIS scoping meeting was attended by over 200 people supporting the mine. In 2001 the mine produced 200,000 ounces of gold.

### **CONTACT:**

David R Williams, Geologist, (406) 533-7655

## **MONTANA TUNNELS MINING, INC. PROPOSED EXPANSION**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

Montana Tunnels Mining Inc. (MTMI) proposes to deepen and expand its open pit mine to develop additional ore reserves. This expansion would extend the life-of-mine to 2011. MTMI has mined and processed ore from a polymetallic mineral deposit since 1986 producing lead, zinc, gold and silver. MTMI has operated under State Operating Permit No. 00113, and BLM Plan of Operations MTM-82856. The mine is located on public and private lands near Jefferson City in Jefferson County, Montana, approximately 15 miles south of Helena.

### **ISSUES:**

Development drilling programs at MTMI have identified additional ore that extends beneath the existing open pit mine in the pipe of an ancient volcano. The ore body provides a significant resource for mining and milling beyond the current plan of operations. MTMI proposes to extend its life-of-mine plan to access this resource by open pit mining methods. The added ore resource will lengthen mining and milling operational life by approximately five years. The current mining plan will sustain operations into 2007. Development of the new ore resource will extend operations into 2011. To assure an uninterrupted supply of ore to the mill between the current plan and the mine expansion plan, overburden stripping from the open pit high wall layback must begin in 2006.

The mine has been in continuous operation since the adoption of the draft environmental impact statement and approval of the current operating permit in 1986. MTMI mines a poly-metal bearing ore from a single open pit mine and produces gold, silver, lead and zinc in the form of metal-sulfide concentrates for sale into commerce. The products are recovered from the ore by conventional milling and flotation processes and gravity concentrating techniques.

### **MAIN DECISION OR MESSAGE:**

A major feature of the reclamation at the end of mine life will be the loss of approximately 2,000 feet of Clancy Creek, as a portion of the creek will be encompassed by the pit lake to remain after reclamation. The consequence of delay likely would mean an interruption in the supply of ore to the mill and possible short term layoffs.

### **BUREAU PERSPECTIVE:**

BLM and the Montana Department of Environmental Quality are preparing an environmental impact statement (EIS) to analyze the proposed expansion. Scoping and deficiency reviews are proceeding, even though the *Federal Register* Notice of Intent to prepare an EIS has yet to be published.

Public interest in the mine is moderate. MTMI has a good history of environmental compliance and has not been a source of controversy. Montana Tunnels employs over 200 people and is an important source of revenue for Jefferson County. An EIS scoping meeting was attended by over 100 people, most supporting the mine.

### **CONTACT:**

David Williams, Geologist, (406) 533-7655; or Joan Gabelman, Geologist, (406) 533-7623

## **OIL AND GAS ISSUES IN AND ADJACENT TO THE UPPER MISSOURI RIVER BREAKS NATIONAL MONUMENT**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

The BLM will prepare a new analysis of 12 oil and gas leases within the Upper Missouri River Breaks National Monument that were issued under the 1988 West HiLine Resource Management Plan (RMP).

### **ISSUES:**

In 2000, the Montana Wilderness Association (MWA) filed suit challenging BLM's issuance of three leases and a pipeline right-of-way to Macum Energy. The MWA alleged that both actions violated the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), National Historic Preservation Act (NHPA), Federal Land Policy and Management Act (FLPMA), and Wild and Scenic Rivers Act (WSRA). The leases and pipeline are located both inside and outside of the boundary of the Upper Missouri River Breaks National Monument. The three leases were issued effective November 1, 1999. The original complaint included seven leases, but MWA amended the complaint to include only three, narrowing the focus to only the leases in the Bullwacker area.

On March 31, 2004, Judge Donald Molloy of the Montana Federal District Court ruled in favor of the plaintiffs.

A decision on what to do about the ruling was delayed until a July 8, 2004, court hearing where it was hoped that the court would provide clarification. At the July 8 hearing, however, the judge indicated that he was dissatisfied with the progress of both parties to the lawsuit. A full hearing was conducted on January 14, 2005, in Federal District Court in Missoula, Montana. At the conclusion of the hearing, Judge Molloy said that he would take the proceedings under advisement, and issue a final ruling "very soon."

### **Judge's Order:**

1. The BLM shall prepare an environmental impact statement (EIS) for the oil and gas leasing program that covers the three leases.
2. The BLM shall prepare an environmental assessment for the 1999 pipeline right-of-way.
3. The BLM shall prepare a valid biological assessment of the oil and gas leasing program in conjunction with the EIS process.
4. The BLM shall consult with all required entities, including nearby tribes, as required by the NHPA. Macum Energy, Inc. shall shut down the pipeline pending a decision on permanent injunctive relief. (Without objection from the plaintiff, Macum was subsequently given approval for continued use of the pipeline.)

Within the Upper Missouri River Breaks National Monument area, some 350 wells have been drilled since 1950, and 56 have produced at least some gas. With the combination of rough topography, scattered development, 320 and 640-acre spacing, limited roads, and remote location, the area has retained its characteristics of outstanding rugged beauty even with the existing gas production. Rising natural gas prices and improved drilling and completion techniques have made this area more attractive to industry recently.

### **MAIN DECISION OR MESSAGE:**

BLM wants to address the court's concerns as quickly, completely and efficiently as possible, and has determined that the best means of addressing those concerns is to include the oil and gas lease analysis in the ongoing Upper Missouri River Breaks National Monument Resource Management Plan. As a result, the originally scheduled release of the draft plan in the summer of 2004 did not occur. Best estimates are that the draft will be delayed 9-12 months. An environmental assessment for the 1999 pipeline right-of-way has been written and the document has been released for public comment.

Leases issued under the West HiLine RMP that are outside the monument will be addressed in a previously planned, new West HiLine RMP now scheduled to begin in 2005.

### **BUREAU PERSPECTIVE:**

In light of Judge Molloy's ruling, all leases based on the West HiLine RMP could be in jeopardy and could be challenged at any time. Meanwhile, preparation of the draft monument RMP/draft EIS had been ongoing while waiting for a final ruling by the courts. However, with the serious potential implications of the court ruling for the oil and gas program nationally, as well as within Montana, the monument RMP schedule needed to be altered to include the issues raised by the suit.

Any activity within the monument can be expected to have a high level of public interest. While natural gas production

and development are among the historic uses of this area, the MWA is concerned about drilling, and other environmental groups/individuals share MWA's position at least to some extent. Local residents and surrounding county governments generally support continued gas development in this area.

**CONTACT:**

Don Judice, Field Station Supervisor, (406) 791-7789

## **ZORTMAN AND LANDUSKY MINE RECLAMATION**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

The bonds posted for reclamation and water treatment at these bankrupt Montana gold mines is not adequate. The mines are located on about 1,200 acres of intermingled private and public lands near the Fort Belknap Indian Reservation in Phillips County.

After three years of environmental review, analysis, and consultation with the Fort Belknap Tribes, a record of decision (ROD) was issued in 2002 selecting final mine reclamation plans. The reclamation plans cost more than the funding available. In addition, both immediate and long-term funding is inadequate to maintain capture and treatment of acidic waters, no matter which reclamation plan is implemented. Reclamation work is underway and additional funds have been obtained to complete the earthwork requirements which will be finished in 2005. However, funding is still needed to maintain water treatment. Now that the bankruptcy process is complete, BLM has invoked its CERCLA authority in order to maintain the systems used to capture and treatment mine drainage and leaching solutions.

### **ISSUES:**

The mine owner/operator, Pegasus Gold Corporation, declared bankruptcy in 1998 and the bonds collected by the Montana Department of Environmental Quality (DEQ) have been funding reclamation (\$29.6 million for earthwork and a \$13.8 million water treatment trust fund). To date, the BLM has provided more than \$6 million and the DEQ has provided \$1.7 million to assist with reclamation, excess water treatment costs, and preparation of the supplemental EIS.

In 1998, the Interior Board of Land Appeals (IBLA) set aside BLM's reclamation plan decision and required additional consultation with the Fort Belknap government. The BLM, DEQ, EPA, and the Fort Belknap government re-evaluated the reclamation options and collaborated on a supplemental EIS (SEIS). The final SEIS on mine reclamation was released in January 2002, and the ROD was issued May 1, 2002. The preferred reclamation plans in the final SEIS were estimated to cost \$76.9 million for earthwork and water treatment, or approximately \$33.5 million more than was thought available from the reclamation and water treatment bonds at that time.

The Fort Belknap government was consulted on a draft ROD. Although it agrees in principle with the preferred reclamation plans, the council rejected the ROD because it did not include provisions for Fort Belknap to manage the reclamation, or funds for certain offsite environmental projects that would benefit the reservation. The tribes have appealed the BLM's ROD to IBLA. The tribes also have litigation pending in both state and federal court.

### **MAIN DECISION OR MESSAGE:**

The DEQ and BLM are presently managing the site and have conducted reclamation and water treatment activities since 1999. The reclamation earthwork is to be completed by the end of 2005.

The ROD selected the preferred reclamation plans from the final SEIS contingent upon funding. Of the \$33.5 million funding shortage identified in the ROD, \$22.5 million was required for earthwork and \$11 million to treat acid rock drainage. Due to efficiencies realized through the competitive bid process, and funding provided by BLM's abandoned mine land program, the shortfall in reclamation earthwork funds has been reduced to \$1.5 million (for work on private lands), down from the original \$22.5 million identified in the ROD. Therefore, BLM will be able to complete implementation of the preferred reclamation alternatives on the public lands.

A critical item is to obtain the funds needed for long-term water treatment. The deficit in the long-term water treatment trust fund has increased from \$11 million to \$12.4 million due to the loss in interest accrual. The long-term trust fund is supposed to generate enough revenue to fund water treatment indefinitely after year 2017.

Presently, the short-term water treatment bond provides \$731,000 each year (through 2017) to run the seepage capture systems and water treatment plants. Treatment costs in 2004 were about \$74,000 more than available from the bond. BLM provided money to the state to assist with the unbonded water treatment costs.

The BLM and DEQ support additional funding to implement the preferred reclamation plans and to maintain water treatment. The agencies have identified funding to support the water treatment trust fund as the first priority. A provision in the Interior appropriations bill provided for the establishment and funding of a long-term water treatment trust fund. However, that provision did not make it into the final bill.

The federal court in Missoula issued a ruling on June 29, 2004, granting summary judgment in favor of BLM on the trust lawsuit that was filed by Fort Belknap in 2000 alleging violations of our trust responsibilities. The tribe has appealed

this ruling. In addition, on January 29, 2004, the tribes filed a citizen suit under the Clean Water Act over mine discharges against BLM, DEQ, and a patented (private) claim owner.

With the closeout of the ZMI bankruptcy proceedings in late 2003, the Zortman and Landusky mines are abandoned. In June 2004, the State Director signed an action memorandum to continue the capture and treatment of mine drainage and heap solutions as time-critical removal actions under BLM's delegated CERCLA authority. The CERCLA removal action is being conducted in close cooperation with the DEQ. The BLM will continue consultation with Fort Belknap on the removal action.

**BUREAU PERSPECTIVE:**

Mine reclamation is a contentious issue with the Fort Belknap Tribes and state and national environmental groups. The Mineral Policy Center has often cited the Zortman-Landusky mine during the debate on Mining Law reform and the 3809 regulations. The mine will again be in the spotlight during the 2005 session of the Montana Legislature.

**CONTACT:**

Randy Heuscher, Supervisory Mining Engineer, (406) 896-5118; or Scott Haight, Nonrenewable Resources Advisor, (406) 538-1930.

## **BLACKFOOT COMMUNITY PROJECT**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

The Blackfoot Challenge, in partnership with The Nature Conservancy, is developing the Blackfoot Community Project as a community-based effort to guide the future ownership and management of key lands in the Blackfoot Valley that are currently owned by Plum Creek timber company. These lands are being purchased and re-sold by the Conservancy according to this community-driven plan. Some lands will go into public ownership and others to private ownership with safeguards to protect community and conservation values.

Given the strong community interest, The Nature Conservancy and Plum Creek reached an agreement in September 2003 on the sale of up to nearly 89,000 acres in the upper Blackfoot Valley over the next five years. Phase I involves about 41,000 acres for approximately \$30 million. Federal funds will be used for BLM and Forest Service acquisitions and the purchase of conservation easements by the U.S. Fish and Wildlife Service. The BLM received \$8 million, the FS \$10 million and USFWS \$2 million in FY 2004 and FY 2005 in LWCF funds to help fund Phase I of the project. The BLM and FS have made out-year LWCF requests. The balance will be covered by philanthropic donations and funds generated from sales to private landowners.

### **ISSUES:**

The Blackfoot Challenge, comprised of local landowners, federal and state land managers, local government officials and corporate landowners, has been working in the Blackfoot Valley for 10 years to coordinate conservation efforts in the watershed. The Challenge is developing a disposition and management plan to guide the ownership and management of these lands over the long term, specifically addressing community values for recreational access, grazing, wildlife habitat, forestry, and economic stability.

An important consideration in the Blackfoot's diversity and rural character is that large landholdings in the watershed remain intact. Sixty percent is now in public ownership and the remaining 40 percent is made up of primarily large working ranches or large timberland holdings. Fragmentation of private lands by subdivision and development is a threat to wildlife habitat and the traditional agricultural and rural lifestyle of the watershed. Maintaining the rural lifestyle and protecting the natural resources of the Blackfoot are a top priority for the Blackfoot Challenge.

Community meetings were held in each participating community in the valley. All private landowners adjacent to the project lands were contacted, as some have expressed an interest in acquiring additional acreage. Ranchers with grazing leases on Plum Creek lands were also contacted, and they have indicated a critical need to continue to graze these lands. There was a strongly voiced desire to see these leases remain as grazing areas and to go to public ownership, if necessary, in order to continue traditional grazing usage. The desire to maintain intact working ranches is clear.

### **MAIN DECISION OR MESSAGE:**

At public meetings, Blackfoot Valley citizens and landowners expressed strong support for substantial public ownership of these lands to maintain historic public access, traditional grazing leases, and high natural resource values. They also encouraged ownership consolidation by adjacent public landowners to increase the effectiveness and efficiency of management activities such as grazing administration, forest management, noxious weed control, and public recreation management.

### **BUREAU PERSPECTIVE:**

BLM is only one public agency expected to acquire some of Plum Creek's acreage. Other agencies include the U.S. Forest Service, the Montana Department of Natural Resources and Conservation and the Montana Department of Fish, Wildlife and Parks. All agencies are active partners in the Blackfoot Challenge and are committed to collaboration and community involvement.

Senator Conrad Burns and former Governor Judy Martz voiced support for the project and applauded the cooperative effort required for a project of this magnitude.

### **CONTACT:**

Nancy Anderson, Missoula Field Manager, (406) 329-3914

February 2, 2005

## **BLACK-FOOTED FERRET AND PRAIRIE DOG MANAGEMENT**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

The black-footed ferret is the most endangered mammal in North America and it is on the first list under the Endangered Species Act. In February 2000, the U.S. Fish and Wildlife Service (FWS) found that the black-tailed prairie dog was warranted for listing as a Threatened Species but named it a Candidate Species due to higher priorities. This designation falls under BLM's Special Status Species Direction, which means that any action we authorize, fund, or carry out cannot contribute to the need to list prairie dogs under the provisions of the Endangered Species Act.

There is extensive prairie dog habitat on BLM lands throughout Montana. Prairie dog towns in southern Phillips County and in southeastern Montana (Miles City Field Office) are crucial for planned black-footed ferret reintroduction efforts. Since recovery of the endangered ferret depends on healthy prairie dog populations, BLM is an essential player in the conservation of prairie ecosystems and the associated species.

### **ISSUES:**

Under the Judith-Valley-Phillips Resource Management Plan (RMP), we have managed prairie dog towns to provide habitat for black-footed ferrets and associate species (mountain plover, burrowing owl, and ferruginous hawk), plus provide opportunities for recreational viewing and shooting.

In cooperation with other agencies, we maintain the prairie dog habitat and distribution on BLM land within an area known as the 7km Complex at the 1988 level (26,000 acres of prairie dog towns: 12,346 BLM acres, 5,800 US Fish and Wildlife Service acres, 2,012 state acres and 5,821 private acres).

In July 1992, a disease believed to be sylvatic plague began to reduce the prairie dog population; by 1996, up to 80 percent of the prairie dogs in Phillips County were lost. In 1993, we began to discourage prairie dog shooting on BLM land to allow the prairie dog population to recover. In 1998, we imposed a voluntary shooting closure on 15 prairie dog towns (40 Complex and Pea Ridge). In October 1999, we formally closed 15 of the 228 (now 305) prairie dog towns on BLM lands in south Phillips County to recreational shooting. In 2001, the Montana Legislature passed a law allowing the Montana Fish, Wildlife and Parks (FWP) to manage the black-tailed prairie dog as a "species in need of management." Agricultural groups, environmental groups, and members of the Prairie Dog Working Group lobbied in support of this bill. The new FWP regulations for managing prairie dogs on public lands went into effect on March 1, 2002.

Twenty ferrets were released in two prairie dog towns within the "40 Complex" on November 9, 2001. While monitoring with spotlights at night early in December, researchers located seven ferrets on the two original towns and on a third where none were released. Because spotlighting is not precise, the seven ferrets were considered to be the minimum number surviving.

In the spring of 2002, two ferrets (a male and female) were found that survived the winter; the first litter of two was found in August 2002. Twenty-five more ferrets were released in November 2002. Five ferrets were found in the spring of 2003: four males and one female. A litter of at least four and maybe five kits was found in August of 2003. Twenty more ferrets were released in October 2003. In the spring of 2004 surveyors found a minimum of three ferrets. In June of 2004 plague was found within the "40 Complex" on one prairie dog town.

### **MAIN DECISION OR MESSAGE:**

Conservation actions are necessary to prevent the prairie dog from being federally listed and to assist with black-footed ferret recovery efforts.

### **BUREAU PERSPECTIVE:**

The Predator Conservation Alliance, Defenders of Wildlife, the Nature Conservancy, and the National Wildlife Federation have asked BLM to manage prairie dogs on BLM lands for ferret reintroduction. Other groups such as the Phillips County Commissioners, Malta Chamber of Commerce, and local ranchers have asked BLM to manage prairie dogs or allow natural recovery according to the Judith Valley Phillips Resource Management Plan.

The BLM has been an integral partner in the Montana Prairie Dog Working Group (made up of landowners, federal/state

agencies and conservation groups) since its inception in 1996. We have also been a partner in the Montana Black-Footed Ferret Working Group (made up of state/federal agencies, and landowners in the Phillips County area) since its inception in 1984.

**CONTACT:**

Valerie Kopcsó, Wildlife Biologist, (406) 654-5124

## **GREATER SAGE-GROUSE CONSERVATION PLANNING STRATEGY**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

Growing concern about the status of sagebrush on western rangelands and declines in greater sage-grouse numbers led to petitions to the U.S. Fish and Wildlife Service (FWS) to protect populations of greater sage-grouse under provisions of the Endangered Species Act (ESA). On January 12, 2005, the FWS published a *Federal Register* notice stating that the listing of greater sage-grouse as threatened or endangered is not warranted at this time.

On November 16, 2004, the BLM director issued the BLM's *National Sage-Grouse Habitat Conservation Strategy* (Strategy). The Strategy outlines BLM's ongoing commitment to support cooperative conservation of sage-grouse and sagebrush habitats on public lands under our administration, issues guidance for addressing sagebrush habitat conservation in land use plans, and includes suggested management practices for managing sagebrush plant communities for sage-grouse conservation.

Montana Fish, Wildlife and Parks and a statewide workgroup, of which BLM is a member, finalized and officially adopted the *Management Plan and Conservation Strategies for Sage Grouse in Montana* (Plan) in October 2004. Local implementation groups have been active in Dillon, Miles City, and Glasgow over the past year.

### **ISSUES:**

Regardless of the determination that sage-grouse are not warranted for listing under the ESA, BLM continues to honor commitments in the Strategy and Plan, including support for local workgroups, data acquisition, habitat evaluations, and incorporation of sage-grouse and sagebrush management objectives into land use planning decisions. As BLM develops state-specific strategies for implementing sage grouse conservation on BLM-managed lands, the Montana state agency-led Plan will provide the basis for identifying appropriate actions to minimize or eliminate threats to sage-grouse.

### **MAIN DECISION OR MESSAGE:**

Loss of sagebrush-grasslands in some Western states has approached or exceeded 50 percent. Declines in sage-grouse populations are a symptom of the declining health of sagebrush communities. Sagebrush habitat loss in Montana may not be as high as in other states, but is significant enough in parts of the state to negatively influence greater sage-grouse numbers and population trends of other sagebrush-associated species. More than half of the remaining sagebrush and greater sage-grouse habitat in Montana is found on public lands.

### **BUREAU PERSPECTIVE:**

The director recognizes BLM's role in sagebrush habitat management and greater sage-grouse conservation. As good stewards of the land, the agency will continue to focus resources and efforts to implement the Strategy as the framework for delivering sagebrush and sage-grouse conservation on BLM-managed lands.

Public interest is high because sagebrush is the dominant habitat type in Montana, and conservation has the potential to influence all programs.

### **CONTACT:**

Roxanne Falise, Wildlife Biologist, (406) 896-5025

## **GROVE CREEK PROPOSAL**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

On May 20, 2003, RLF Bighorn Properties, LLC filed a road right-of-way application with the Billings Field Office for four road right-of-way (ROW) segments across public lands in the Grove Creek Ranch area. The private land to which the proponent is seeking access was subdivided into 20-acre parcels for the purpose of development; the ROWs would provide access to approximately 40 percent of the tracts.

On January 7, 2004, the Billings Field Manager issued a decision to RLF Bighorn Properties, LLC modifying the original cost recovery category from a Level IV to a Level V, which requires the applicant to complete an environmental impact statement if so desired. The decision is based on the proposal's high level of controversy as well as the potential for significant impacts to public land resources.

On April 29, 2004, RLF Bighorn Properties, LLC contacted the Billings Field Office to discuss any other alternatives besides pursuing a contractor for the development of an EIS. Other alternatives discussed were exchange opportunities which would look at trading private lands having high resource values for those selected (public) lands having a lower concern and would block up private land development in the area. The Billings Field Office is in the process of obtaining preliminary estimates of the tentative lands that would be involved and determining feasibility of the transaction. Continued coordination is occurring among Carbon County, the Crow Tribe Cultural Department, and local interests.

Preliminary consultation with the national appraisal team (November 15, 2004) has indicated that the estimated value of any offered lands (private) in the Grove Creek area far exceed the value of proposed selected lands (public domain) and therefore would forego any possibilities of a land exchange in the general area. In addition, the Crow Tribe has expressed concern with exchanging any public lands in the area that could result in future development. We are currently working with RLF Bighorn properties and perspective buyers in seeking possible conservation easements on those lands adjacent to public lands that have significant resources.

### **ISSUES:**

According to the survey report submitted by the cultural contractor, four sites would be impacted by the proposed action, all of which are classified as eligible or potentially eligible for the National Register. In addition, numerous Native American cultural sites exist within the project area, four of which may be impacted by project development. A 1994 report recommended that the entire Grove Creek area be declared a Traditional Cultural District eligible for the National Register.

Because creation of a Traditional Cultural Property District requires both a tribal definition as well as interpretation of feature density and distribution across the landscape, the BLM has opened consultation with the Crow Tribe Cultural Department.

Other identified impacts related to the proposal are wildlife displacement during construction activities and increased vehicle traffic; interior pasture fence line dissection; livestock watering pipelines running parallel to or under proposed routes; greater sage-grouse leks and habitat considerations; conflicts with existing block management boundaries; and existing oil and gas leases (federal and nonfederal surface).

After informal consultation with the U.S. Fish and Wildlife Service (USFWS) and a request for a list of threatened and endangered (T&E) species present in the general area, it has been determined that formal consultation would be appropriate. This recommendation is a result of anticipated cumulative impacts on T&E species resulting from the overall development of the area and not necessarily from the issuance of the ROWs.

RLF Bighorn Properties has not withdrawn its ROW application to date.

### **MAIN DECISION OR MESSAGE:**

The Billings Field Office is currently analyzing both direct and cumulative impacts associated with the issuance of the ROWs across public lands to determine if the action is significant in nature.

### **BUREAU PERSPECTIVE:**

We have received several comments from the local community in opposition of the development. We are currently in formal consultation with the USFWS and are working on the biological assessment.

The project has received attention from local media and generated three congressional inquiries as it relates to public

involvement opportunities and resource concerns.

**CONTACT:**

Eddie Bateson, Supervisory Natural Resource Specialist, (406) 896-5241

January 26, 2005

## **MONTANA FUEL REDUCTION PROJECTS IN FY05**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

Montana BLM plans to complete approximately 14,000 acres of fuels reduction projects in mostly-forested areas in FY05 to enhance public safety in the wildland-urban interface, and to improve forest health. Our FY05 fuels budget is just over \$5 million.

### **ISSUES:**

The challenge to completing our prescribed fire projects is largely weather-related -- both short-term and long-term drought. Meeting our mechanical targets will require contracting a number of projects. We can easily meet our target if we get enough spring and fall burn windows during which to conduct the treatments.

### **MAIN DECISION OR MESSAGE:**

Montana BLM is implementing eight forestry and fuels stewardship contracts.

The fuels reduction projects are planned on a landscape level, taking into account other resource management objectives and requirements.

The projects will be completed using a combination of contracted and in-house labor and mechanical and prescribed burning methods.

### **BUREAU PERSPECTIVE:**

Utilization of the Healthy Forest Initiatives tools such as Streamlined Environmental Analysis and Categorical Exclusions where appropriate will help in expediting critical fuels treatments in the wildland-urban interface.

### **CONTACT:**

Jim Gray, Fire Management Specialist, (406) 896-2911

## **HEALTHY FORESTS INITIATIVE**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

The Healthy Forests Initiative, announced by President Bush in August 2002, arose from the need to make more timely decisions, provide for greater efficiency, and reduce the catastrophic effects of wildland fires on communities and the environment. It is tied very closely to the National Fire Plan and the 10-year Comprehensive Strategy.

### **ISSUES:**

Forest fuels have accumulated so significantly that fires no longer burn at natural temperatures or rates. The fires have a long-term effect and a significant impact on vegetation, soil, water, and wildlife resources. Federal, state, tribal and local governments are making unprecedented efforts to reduce the build-up of fuels and restore forest and rangelands to healthy conditions.

Each summer, thousands of acres are burned by wildland fires in the Northern Rockies. The larger fires require significant suppression efforts by incident command teams, miscellaneous overhead, wildland fire suppression crews, and aircraft and heavy equipment operations. Communities and residents near these fires are faced with potential loss of property and forced evacuations. Drought, epidemic insect outbreaks, and increasing woody fuel loadings are contributing factors.

The National Fire Plan, which was adopted in May 2002 by federal agencies and western governors in collaboration with county commissioners, state foresters, and tribal officials, calls for more active forest and rangeland management. It establishes a framework for protecting communities and the environment through local collaboration on thinning, planned burns, and forest restoration projects.

President Bush is also working with Congress on legislative changes designed to help federal agencies accomplish more timely, efficient, and effective implementation of forest health projects.

In 2003, Public Law 105-277 was amended in order to provide Stewardship End Result Contracting authority to the BLM. This tool provides the Bureau with a mechanism to apply the values of timber and other forest products as an offset against the cost of services received on an approved stewardship project. It also provides an opportunity for multi-party monitoring of the project. The Healthy Forests Restoration Act, which the president signed in December 2003, is another means to focus agency efforts on fuels management.

In FY2004, we awarded four contracts using the new stewardship contracting authority. These were Sheeptail FCZ, Mt. Roosevelt FCZ, Garnet Ghost Town, and Zortman. The Sheeptail, Mt. Roosevelt, and Zortman projects have been completed. For FY2005, we have a target of eight stewardship contracts and are in the process of identifying potential projects that qualify for this authority.

### **MAIN DECISION OR MESSAGE:**

Director Kathleen Clarke supports this initiative. She states it will provide for expedited environmental reviews and full public review processes, while ensuring that the projects are carried out efficiently and effectively. She also believes it will preserve the principle of partnerships with local communities and local interests through the use of collaborative processes that include all stakeholders and partners at the local level.

### **BUREAU PERSPECTIVE:**

Public interest is high now and we expect it to remain high as the initiative moves forward. There is much support for measures outlined in the initiative, but there is also much opposition to some measures.

### **CONTACT:**

William Hensley, Forester, (406) 896-5042; or Jim Gray, Fire Management Specialist, (406) 896-2911

## **HORSETHIEF HAZARD FUELS REDUCTION PROJECT**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

The Billings Field Office and Eastern Montana Fire Zone have begun a hazardous fuels reduction project in a wildland-urban interface area west of Roundup, Montana. The area is overstocked with ponderosa pine and juniper and a fire start there would present a risk to life and property. Between 50 and 100 structures are located near the area selected for treatment. The project area contains about 10,300 BLM acres, of which 3,000 are forested. The forested areas are being treated mechanically and with prescribed fire.

### **ISSUES:**

This project is one of the Departments of Interior and Agriculture's "test drive" projects of new guidance issued December 9, 2002, regarding the preparation of environmental assessments (EA) for forest-health projects. It is also a Healthy Forest Initiative project.

The EA for the project was completed in June 2003 and submitted to the White House Council on Environmental Quality for review. Public comment and review period began July 17 and ended August 20, 2003.

The cooperative project involves area landowners, rural fire departments, county government, industry, and the BLM. The BLM and other agencies have funds available to assist landowners with fuel reduction efforts and to help rural fire departments purchase equipment.

The first phase of the project has been completed on 405 acres using a combination of machine methods and hand crew cutting and piling. Indefinite delivery, indefinite quantity (IDIQ) contracts, which included some local contractors, were used to accomplish the machine work. Fire suppression crews completed the hand cutting and piling. The timber was cut to a specified spacing and the cut materials were placed in decks and sold as saw logs, pulp and firewood. Machine and hand slash piles are curing and will be burned during the winter when snow depths are sufficient. These activities reduced the fire hazard to the surrounding homes and approximately 75 buildings. Timely moisture has allowed the treatment area to establish growth and increase plant vigor.

Preparation of the next treatment area, consisting of about 440 acres, is underway with layout and tree marking complete. Treatment will consist of a combination of machine and hand cutting/piling activities.

A 100-acre parcel of untreated fuels in an adjacent treatment unit has been opened to firewood permits. Firewood permits are sold to facilitate the removal of dead and down woody materials to reduce fire potential and benefit local residents.

In order to maintain the conditions created by the proposed treatment, the area will need to be retreated in 10-20 years.

Phase II of the Horsethief project has been initiated with an IDIQ contract being let for 440 acres. The contract involves the cutting of unmarked trees within the area at the specified spacing of 6-15 trees per acre. The contract, once completed, will be followed with a stewardship contract that will involve liming, brush piling and removal of the timber product from the site. Anticipated time of completion is June 2005.

### **MAIN DECISION OR MESSAGE:**

In addition to the Horsethief project, Montana BLM will continue to identify projects to implement the Healthy Forest Initiative in collaboration with other federal agencies, state, tribal and local governments, interest groups, local fire organizations, private landowners, and permittees.

### **BUREAU PERSPECTIVE:**

Through public comment and community meetings, most residents have indicated support of the project and have expressed an interest in reducing fuels on their adjacent private property.

Some Horsethief area residents are opposed to the project because they don't want the "natural state" of the area disturbed or because they question whether the project will be effective in protecting private property if private landowners don't also implement fuels reduction projects.

### **CONTACT:**

Robert Meidinger, Supervisory Range Technician, (406) 896-5247

## **EXEMPTION AREA WILDLAND-URBAN INTERFACE PROJECT**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

The South Dakota Field Office is addressing hazardous fuels buildup in the wildland-urban interface in the Exemption Area near Lead and Deadwood in southwestern South Dakota.

### **ISSUES:**

The Exemption Area, in the northern Black Hills, consists of 22,530 acres that were exempted from the Black Hills National Forest due to the complex mineral survey and public land configuration. The BLM administers federal lands (5,220 acres) within the Exemption Area. The rest is private.

Within the Exemption Area of the Black Hills are several “communities at risk” including Lead, Deadwood, Central City, Pluma, and Englewood as well as numerous rural subdivisions. There are 2,675 acres of BLM-administered forested lands within half a mile of these communities.

In 2003, the Wildland-Urban Interface Plan was completed and implementation began with the treatment of the fire containment zones – treatment buffers along existing roads or trails that would provide safe access for fire crews – and removal of standing dead trees in the Grizzly Gulch fire area within half a mile of Deadwood.

Commercial and non-commercial treatments will continue throughout this area to decrease the fuel loading. An additional issue is increased mountain pine beetle infestations related to the close proximity of the Exemption Area to the Beaver Park area on the Black Hills National Forest.

### **MAIN DECISION OR MESSAGE:**

In 2005, precommercial and commercial timber removal will begin around the community of Englewood. This project will involve using the stewardship contract to remove the commercial timber and to follow up with the removal of products other than logs and slash from the area. In 2005, additional areas near the Deer Mountain ski area and associated residences will be marked and sales of this unit will occur in FY06.

Another stewardship contract for precommercial and commercial timber removal will occur in FY05 in an area outside of the wildland-urban interface area but within the Exemption Area. This project will not only reduce hazardous fuels but also improve the health of the forest and reduce the potential for insect infestations.

The first round of treatments in each unit of the Exemption Area should be completed by the end of 2008 with follow-up treatments of prescribed fire and other non-commercial means the following years.

### **BUREAU PERSPECTIVE:**

This planning process as well as the implementation is a collaborative effort among the BLM, Forest Service, South Dakota Division of Forestry, South Dakota Division of Wildland Fire Suppression, Lead and Deadwood city fire departments, Lawrence County Fire Board, and private landowners.

### **CONTACTS:**

Marian Atkins, Field Manager, (605) 892-7001; Terry Chaplin, Fire Management Specialist, (605) 720-0745; or go to [www.mt.blm.gov/sdfo/pages/eap/index.html](http://www.mt.blm.gov/sdfo/pages/eap/index.html).

## **MONTANA BLM LAND EXCHANGE PROGRAM**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

The Montana/Dakotas BLM has been pursuing land exchanges within several of its field offices since the early 1980s. Our past exchanges have resulted in a net decline of more than 87,000 acres of public land. The land leaving BLM administration generally goes into private ownership. In addition, BLM land was used as the trading stock to implement the Crow Boundary Settlement Act.

### **ISSUES:**

#### **Past Efforts:**

We have acquired about 165,000 acres of nonfederal land in exchange for about 252,000 acres of public land. In recent years, many of these were multi-phased exchange proposals developed with facilitators through which numerous public land parcels were conveyed to a number of different landowners (usually adjoining landowners who desired to own the public land parcel) in exchange for a single private land parcel. The larger assembled, facilitated land exchanges, such as the recently completed Axolotl Lakes and Ward Ranch exchanges, involved a ratio of 3 to 10 acres of public land in exchange for 1 acre of private land.

In December 2004, BLM completed the Surenough land exchange in Fergus County through which 160 acres of public land was exchanged for 161 acres of private land to resolve a trespass.

#### **Current Efforts:**

**North Chinook Land Exchange** -- This is a facilitated, assembled, multi-phased proposal that will consolidate into public ownership land surrounding the North Chinook Reservoir in Blaine County to enhance public access, recreation opportunities, and resource management on the land. Phase I, scheduled to be completed in the summer of 2005, involves 1,542 acres of public land and 1,920 acres of private land.

**Buckner Land Exchange**-- Through this exchange, 363 acres of federal land would be traded for 383 acres of private land and a road easement to ensure for public access and continued use of an existing road into an area comprising BLM, Forest Service and state lands totaling 12,240 acres in Jefferson County, Montana. This single transaction exchange of lands could be completed by the spring of 2005.

**Pumpkin Creek Land Exchange**-- This proposed facilitated, assembled land exchange would consolidate public land ownership in an area 15 miles south of Miles City that is currently in a checkerboard ownership pattern. The BLM would acquire 13,500 acres of the Pumpkin Creek Ranch in exchange for an equal value of public lands (about 24,533 acres in small isolated parcels are identified for consideration) in Carter, Custer and Powder River counties. The exchange would create a large landscape with many habitats which would enhance livestock grazing, wildlife, fuels/forestry, threatened and endangered species, rangeland and riparian resources. It would also provide for environmental education and improved dispersed recreational uses. This single transaction exchange of lands could be completed by winter 2005.

### **MAIN DECISION OR MESSAGE:**

Land exchanges help us to accomplish three major goals: 1) bring lands with high public resource values into public ownership; 2) consolidate land ownership patterns to facilitate more effective and efficient management of resources and bureau programs; and 3) dispose of public land parcels identified through our land use plans.

### **BUREAU PERSPECTIVE:**

Public interest varies from one exchange to another and is generally stronger in the actual vicinity of exchange parcels.

### **CONTACT:**

Craig Haynes, Realty Specialist, (406) 896-5040

## **NOXIOUS WEEDS**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

Noxious weeds continue to spread on all lands, reducing natural biodiversity and vegetation production, and leading to soil erosion. BLM noxious weed-infested lands increased from about 91,000 acres in 1985 to about 468,000 acres in 2003.

In 2003, the latest year for which we have complete data, the BLM treated about 354,000 acres using integrated weed management (IWM) methods in cooperation with other landowners and managers: 11,000 acres - chemical; 35,000 acres - biological weed control agents collected, released or expanded; 247,000 acres - biological weed control agents established prior to 2003; 61,000 acres - sheep or goats; 115 acres - manual or mechanical. In some infested sites more than one treatment method is used on the same acreage (i.e., sheep & biological weed control agents). An additional 372,000 acres were inventoried for weed infestations and 107,000 acres were monitored for the effectiveness of the weed management treatment method or methods.

### **ISSUES:**

The BLM's weed management program involves cooperative efforts with other federal and state agencies, universities, county agencies, high school agriculture science classes and private landowners. There is heavy emphasis on using prevention techniques to protect non-infested lands. These IWM programs average less than \$15 per acre for the BLM. The magnitude of our weed program, particularly our cooperative agreements with counties, exceeded specifically earmarked weed funding that we received in our annual budget. In past years, we had enough discretionary money in other programs that benefited from the weed management program to augment our specifically earmarked weed funding.

Over the past few years, our budget has remained fairly flat while our cost of doing business has increased (just as it has for most other agencies and businesses). This gradual increase in costs has eroded the discretionary funding available from other accounts that previously augmented our weed program

As a result, in FY 2005 we simply do not have the discretionary funding to maintain our cooperative agreements at previous levels. Our total available funding for weeds in Montana is down significantly this year, even though our earmarked weed funding was not reduced significantly.

The BLM has cooperated in preventative and educational programs including: noxious weed videos, brochures, posters and other materials; certified weed seed free forage programs; biological weed control demonstration sites; IWM tours; weed workshops, etc. The Montana/Dakotas BLM staff will continue to provide training and technical assistance to various weed management staffs. We will also support and follow the guidelines set forth in the January 2001 Montana Weed Management Plan in conjunction with other county, state and federal agencies.

### **MAIN DECISION OR MESSAGE:**

We are committed to do the best job we can with available funding and will work cooperatively with our partners to set priorities. Montana BLM is also committed to IWM, which includes prevention, education, awareness, biological agents (insects and plant diseases), cultural practices, chemicals, physical, mechanical, re-vegetation and the use of domestic animals. To comply with both federal and state law, the BLM will continue to use an IWM approach. It is imperative that the BLM and other cooperators continue their efforts or the "Weed Battle" will be lost.

Weed management will continue to be a very high priority, but lack of available funding will continue to inhibit efforts at all priority levels. There is no indication that our budget situation will improve in the foreseeable future, in fact there are some indications that our budget situation will continue to deteriorate in the short term.

### **BUREAU PERSPECTIVE:**

Because BLM's weed program is a cooperative effort involving many counties as well as other state and federal agencies, high schools and universities, and private landowners, the effects of our reduced ability will impact our various partners, especially some counties. There is a universal concern about the spread of noxious weeds and efforts to control them. Weed management cooperative groups and individuals will continue to petition congressional representatives for assistance with this problem.

### **CONTACT:**

Theresa Hanley, Supervisory Land Use Specialist, (406) 896-5068

## **WILD HORSE AND BURRO PROGRAM**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

The Wild Horse and Burro Program has two primary goals: managing the wild horse herd in the Pryor Mountains; and the adoption of excess animals from the Pryors and other herd management areas.

### **ISSUES:**

The Wild Free Roaming Horse and Burro Act of 1971 mandates the BLM to manage self-sustaining herds of wild horses and burros in balance with available resources under a multiple use prescription. It also directs the BLM to remove excess animals and place them with qualified adopters. In addition, the BLM is responsible for compliance inspections and titling.

Montana's only free-roaming wild horses are in the Pryor Mountains, about 60 miles south of Billings. These animals are reputed to be of Spanish ancestry, as evidenced by genetic studies.

The Pryor Mountain Herd Area Management Plan, written in 1984 and revised in 1992, guides management of the Pryor horses. Excess wild horses from the Pryor Range are usually adopted at the Britton Springs Administrative Site at the base of the Pryors. The last adoption took place in 2003 using BLM's internet adoption process. Since 1984, the BLM has placed more than 15,000 horses with qualified adopters in Montana/Dakotas.

A total of 44 Pryor mares have received a one-year PZP vaccine. Fertility control was initiated with yearling and 2-year old mares in September 2001. The intent is to vaccinate young mares to allow them a chance to fully develop prior to becoming pregnant. Fertility control in older mares (14 years of age and older) began in 2003. The intent is to allow these older mares a year or more of existence on the range in better physical condition. The long-term goal will be to contracept these mares for the remainder of their lives.

Use of fertility control on the Pryor range continues after careful consideration of natural mortality by mountain lion predation. During the winter of 2004, almost 70 percent of the yearlings were lost and during the summer of 2004 more than 86 percent of the foals were lost.

### **MAIN DECISION OR MESSAGE:**

The BLM continues to manage the Pryor herd for optimum benefits to the animals and the fragile ecology of the Pryor Mountains. We are also working on a major revision of the Herd Management Area Plan to incorporate the results of recent genetic viability studies, use of immunocontraceptive (fertility control) techniques for population control, ecosystem modeling, and updates on ecological site inventories. We will also continue with the well-reasoned application of fertility control to the herd, providing humane, genetic and population control benefits.

### **BUREAU PERSPECTIVE:**

Wild horse issues attract national and international media attention. Local and national groups often get involved in issues surrounding the Pryor Mountain horses. Some groups are interested in minimizing any human management of the horses, some are concerned primarily with the humane treatment of the horses, and some are concerned about the economics of the horse program. The Pryor Mountain Mustang Association gives strong local support.

Senator Burns' recent legislation allowing sale authority should have little to no effect on the Pryor herd. Historically, all Pryor mustangs have been placed through adoption because of the high interest in the herd. Under our selective removal policy and due to predation and the contraceptive program for older mares, we don't anticipate gathering any horses older than ten years of age.

### **CONTACT:**

Linda Coates-Markle, Wild Horse and Burro Specialist, (406) 896-5223

## **BLM'S DROUGHT POLICY**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

Extreme drought conditions over the last several years have impacted most of the West, including Montana. Current data supports concern about the very low snow pack and an increasing hydrologic drought, which would impact rivers, streams, reservoirs, springs and wells. The current agricultural drought, especially in the southern half of Montana, raises concerns for soils, vegetation, wildlife, recreation and animals grazing on private, state and BLM rangelands.

### **ISSUES:**

Because of the widespread and extreme effects of the drought of 1988, Montana BLM developed and issued BLM's first draft drought policy in October 1988. After incorporating comments from the public, academia, and the Montana Stockgrowers, we adopted that policy in January 1989 and update it as needed. In 2003, BLM's Washington Office issued a bureauwide policy to reflect changes in regulations related to drought or grazing.

Field assessments verify and augment data collected from remote automated electronic instruments about rainfall, snowpack, stream flow, reservoir water supplies, and vital soil moisture at frequent intervals. Information from several agencies is summarized and discussed monthly by the Governor's Drought Advisory Committee. Field personnel continue to observe weather conditions and collect appropriate data. Current data indicates a high concern for most of Montana, especially the southern half of the state.

### **MAIN DECISION OR MESSAGE:**

The Montana BLM's policy, which is supported by the bureauwide drought policy, presents existing laws and regulations used to guide livestock grazing in Montana and the Dakotas during periods of drought. The BLM has provided copies of this policy to grazing lease holders in the three states several times during the last decade. Montana's Drought Policy may be viewed at <http://www.mt.blm.gov/faq/DroughtPolicy.pdf>

Under the drought policy, BLM assesses soil moisture levels necessary for plant growth, effective precipitation, environmental demands, plant vigor, and the amount of available water and forage prior to and during the grazing season. Emphasis is placed on allotments having multiple resource values, grazing problems, and a high percentage of federal land. If resource assessments indicate a need to delay livestock turnout, reduce livestock numbers, or close areas to grazing, BLM works closely with livestock operators to minimize impacts to their operations. Adjustments in fee payments, including any appropriate refunds, will be made on a case-by-case basis. By providing guidance during winter and spring months, the BLM helps land managers and permittees avoid last-minute economic surprises, improve grazing strategies, and reduce land use impacts.

### **BUREAU PERSPECTIVE:**

Most livestock operators, Montana Stock Growers' Association, local and state grazing districts, and all resource advisory councils support BLM policy on grazing during periods of drought. Montana BLM is an active participant in the Governor's Drought Advisory Committee as well as local drought advisory committees and groups. When available and applicable, the BLM provides soil moisture and soil temperature conditions from remote automated weather stations (RAWS) located throughout the state. This information, combined with weather and climate data from other agencies and when used with GIS soil survey data, assists Montanans in making decisions affecting their farms and ranches.

Montana drought information is available from the state's Natural Resource Information System (NRIS) at <http://nris.state.mt.us/drought>. Information on a national scale may be obtained at <http://enso.unl.edu/>

### **CONTACT:**

William Volk, State Soil Scientist/Range Imp & Monitoring Program Lead, 406-896-5029

**MONTANA AIR NATIONAL GUARD (MTANG) TRAINING RANGE,  
BLAINE & PHILLIPS COUNTY**

**PURPOSE OF THE BRIEFING DOCUMENT:**

The MTANG proposed developing an air-to-ground training area within the Hays Military Operating Area (MOA) in Blaine County about three miles west of the Fort Belknap Reservation and two miles north of the Upper Missouri River Breaks National Monument. It included 720 acres of public land in scattered tracts, most of which are identified for disposal in the West HiLine Resource Management Plan (RMP). The Air Force issued an environmental impact statement (EIS) in February 2002. The MTANG planned to establish the leases with the local landowners prior to going forward with DOI legislative action to transfer the public land. The estimated timeframe to have the 30-year leases in place was April/May 2004.

In March 2004, negotiations with the land owners broke off and now the MTANG is contemplating developing Alternative 3 in southern Phillips County about 20 miles south of Malta. Discussions with the landowners have started. Malta Field Office resource specialists met with a MTANG representative on July 9, 2004.

**ISSUES:**

The Hays MOA has been used for air-to-air training by the 120th Fighter Wing (FW), based at the Great Falls International Airport, for more than 25 years. Due to a mission change, the 120th FW is seeking a Montana location for essential air-to-ground training. Currently this training is accomplished by flying to training ranges in Utah and Idaho. In 1998, the Air Force and tribal officials began to discuss the possibility of developing a training range near the Fort Belknap Reservation that would provide local training opportunities as well as economic benefits.

The proposal would enhance use of the Hays MOA to include a target range for bombing and strafing by F16 aircraft. It would consist of a small controlled range in which up to four aircraft at a time would practice in coordination with a range control staff which would coordinate the activity, score accuracy, and monitor the range for safety. The munitions used would be inert: small "dummy" practice bombs and nonexplosive bullets. An impact area of about 640 acres would be laid out with dispersed targets and strafe pits. Around the impact area would be a larger safety zone (3x5 miles) with restricted public access. Support facilities would also be built in the safety zone. Employment opportunities include range management, target construction and maintenance, security, road maintenance, fire break maintenance, fire suppression, snow removal, communications and vehicle maintenance.

**MAIN DECISION OR MESSAGE:**

The BLM was a cooperating agency in the EIS along with other state and federal agencies and the Fort Belknap Community Council. Dwight Hemple of the Department of the Interior is the current federal contact for facilitating a transfer and has draft legislative language. If this site is selected, the land use plan (Judith-Valley-Phillips RMP) will have to be amended to reflect the range authorization.

The proposed area would include about 4,300 acres of public land. Major resource values present on or near the public land tracts include grazing operations; dispersed recreation; and antelope, sage-grouse, mountain plover, prairie dog, and grassland bird habitat.

**BUREAU PERSPECTIVE:**

The MTANG has worked closely with local BLM offices, landowners, state and local elected officials, tribal government, Montana's congressional delegation, and Defense and Interior staff. The proposal was publicized in major Montana newspapers in late 1999, with initial public scoping meetings in six communities. The draft EIS was released August 3, 2001, followed by public hearings in Malta, Ft. Belknap, Lodgepole and Chinook. The public comment period closed September 24, 2001. A Fort Belknap traditional society expressed opposition to the proposal and a few comments on the draft EIS were negative. There is strong support from county governments and most local residents.

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## **MONTANA ARMY NATIONAL GUARD (MTARNG) WITHDRAWAL AT LIMESTONE HILLS TRAINING AREA**

### **PURPOSE OF THE BRIEFING DOCUMENT:**

The MTARNG has received approval from the Department of Defense/Army to file an application (to be submitted by the Corps of Engineers) to withdraw approximately 20,000 acres of BLM-administered land about three miles west of the Missouri River near Townsend in Broadwater County, Montana.

### **ISSUES:**

MTARNG performed training exercises at the Limestone Hills since the 1950s under special land use permits (SLUPs) until 1984 when a 30-year right-of-way (ROW) was issued to authorize the use. Eighty-eight percent of the range is administered by the BLM, with the remainder under state and private ownership. Live fire training at the range has included helicopter, tank, artillery, mortar and Bradley infantry vehicle gunnery. The types of weaponry ranged from small arms to 155 mm artillery, all of which have been fired into the impact area. Military training over the years has resulted in unexploded ordnance (UXO) contamination, particularly within the interior 5,000-acre impact area, though UXO has also been recovered outside that area. In 1993, COE experts determined that the area south of the 2.75-inch rocket safety fan was "widely contaminated" with UXO. Based on BLM policy, the Butte Field Office (BFO) implemented an emergency closure on the impact area. The MTARNG was also advised that its ROW for the range would not be renewed upon expiration in 2014, and the only way to assure its continued use of the area was through a withdrawal.

Continental Lime (now Graymont Western) filed mining claims on lands within the ROW area in the early 1980s when it was authorized by SLUP or the ROW. In 1992 and again in 1995, Graymont filed mining plan amendments resulting in an approved expansion of its operations further into the rocket firing fan area. In an agreement facilitated by the Montana Consensus Council, the MTARNG has agreed to clear UXO from the expansion area so mining can continue under the current safety plan. The BFO recently reviewed a "Safety, Health and Emergency Response Plan" submitted by MTARNG that would allow Graymont to conduct exploratory drilling south of and into the rocket firing fan. The plan has been approved by Department of Defense Explosives Safety Bureau (DDESB). The DDESB must release the area for mining before the BLM can authorize exploration. Graymont is concerned that the current rate of UXO clearance may not meet its exploration needs. Graymont filed 36 additional claims in September 2003.

A site tour was conducted July 2002, with the following entities represented: BFO; BLM Washington Office military liaisons; several members of the MTARNG including the chief of staff; a Pentagon representative; and the plant manager for Graymont Western US Inc. mining company.

### **MAIN DECISION OR MESSAGE:**

The BLM is a cooperating agency for the project legislative environmental impact statement (LEIS), which has been contracted by MTARNG to Tetra Tech based in Helena, Mont. Public scoping for the EIS has begun, including a working group process. The schedule calls for a draft LEIS in March 2005.

The BFO is attempting to finalize an interagency agreement with MTARNG which defines roles and responsibilities. The BFO is providing resource information to Tetra Tech in preparation of the EIS. The EIS will result in BLM finding and recommendations to the WO and Secretary of Interior. The action will require an amendment of the Headwaters RMP.

In late June 2004 the MTARNG shared its proposed action with the public at two public meetings and a stakeholder meeting. The proposal is for MTARNG to manage all lands and resources within the training range except minerals. Members of the public who attended the meetings expressed concern with the current proposal. In the fall of 2004, several stakeholder working group meetings were held which have resulted in an alternative to the proposed action that all parties can live with. That alternative will be analyzed in the LEIS.

### **BUREAU PERSPECTIVE:**

Public interest is expected to be high. The withdrawal would affect PILT payments, recreationists/hunters, and could impact several grazing allotments, depending on how the resource management plan for the firing range is structured after the EIS is completed. There is also potential for the validity of some of the mining claims to be affected by the withdrawal.

### **CONTACT:**

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